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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,078	11/09/1999	DANIEL L. AUCLAIR		7501

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EXAMINER
MOISE, EMMANUEL LIONEL

ART UNIT
2133 PAPER NUMBER
23

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/437,078	Applicant(s) Auclair et al.	
	Examiner Emmanuel L. Moise	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Sep 5, 2003

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 37 and 39-50 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 37 and 39-41 is/are allowed.

6) Claim(s) 42-50 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) Interview Summary (PTO-413) Paper No(s). _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

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DETAILED ACTION

1. This Office action is in response to Request for RCE received on September 5, 2003. Claims 37, and 39-50 are presented for examination.
2. Applicant's arguments regarding claims 37, and 39-41 are deemed persuasive. The rejection under 35 U.S.C. 112, first paragraph, of claims 37, and 39-41 is therefore withdrawn. After further review, claims 42-50 remain, however, rejected under 35 U.S.C. 112, first paragraph.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: See below for the claimed subject matter in question.

Claim Rejections - 35 USC § 112

5. Claims 42-50 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Regarding claim 42, the claimed subject matter in question corresponds to the steps of: “writing into each cell of a set of the plurality of memory cells a respective data value, wherein the data values are one of the first and second states,” and “rewriting the respective data value into the memory cell.”

Regarding claim 46, the claimed subject matter in question corresponds to the steps of: “accessing a first sector of said memory cells,” and “rewriting the data values stored in the memory cells of the second sector.”

Response to Arguments

6. Regarding claims 42 and 46, it is noted that Applicant has referred to the occurrence of the scrub process in Figure 8 as corresponding to the initial steps of either writing data or accessing the sector of cells. Applicant has also referred to page 25, line 27, to page 26, line 3, as providing support for the claimed language.

The Examiner disagrees. Careful review of the steps shown in Figure 8, does not lead to the conclusion that Figure 8 provides support for the steps of “writing into *each cell of a set of the plurality of memory cells a respective data value*, wherein the data values are one of the first and second states,” and “*rewriting* the respective data value into the memory cell.” and “accessing a first sector of said memory cells,” and “*rewriting the data values stored in the memory cells of the second sector*.” Emphasis added.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel L. Moise whose telephone number is (703)305-9763. The examiner can normally be reached on Monday - Friday from 08:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady, can be reached on (703)305-9595. Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 20231, or faxed to: (703) 746-7239, (for formal communications intended for entry), Or: (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Emmanuel L. Moise
Primary Patent Examiner

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November 28, 2003